

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-cr-20657

Hon. Matthew F. Leitman

v.

D1, TAVARAS WARREN,

Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION TO ALTER OR AMEND JUDGMENT (ECF No. 123)**

On March 27, 2019, Defendant Tavaras Warren pleaded guilty in this Court to committing a Hobbs Act robbery in violation of 18 U.S.C. § 1951 and to discharging a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c). (*See* Plea Agreement, ECF No. 91.) On June 27, 2019, the Court sentenced Warren to 20 months in prison on the Hobbs Act robbery conviction and 120 months on the firearm discharge conviction, to be served consecutively to the 20-month sentence for the robbery conviction. (*See* Judgment, ECF No. 98.)

On June 18, 2020, Warren filed a motion to vacate his sentence under 28 U.S.C. § 2255 (the “Motion to Vacate”). (*See* Mot., ECF No. 116.) The Court denied that motion in a written order on September 30, 2020. (*See* Order, ECF No. 122.) In that order, the Court explained that Warren’s claims were barred by directly

applicable Sixth Circuit precedent. (*See id.*) The Court also denied Warren a Certificate of Appealability. (*See id.*, PageID.740.)

Warren has now filed a motion to alter or amend judgment. (*See* Mot., ECF No. 123.) In Warren's new motion, he argues that the Court erred when it denied the Motion to Vacate without giving him an opportunity to file a reply brief. (*See id.*, PageID.742.) And Warren sets forth the arguments that he would have made in that brief. (*See id.*)

The Court has carefully reviewed Warren's new motion and the arguments presented in that motion. It concludes that Warren's motion to vacate his sentence remains barred by binding Sixth Circuit authority. Accordingly, the Court **DENIES** Warren's motion to alter or amend judgment (ECF No. 123), and the Court is not persuaded that a Certificate of Appealability should be issued.

**IT IS SO ORDERED.**

Dated: December 10, 2020

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 10, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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